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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ANNE K. BLOCK,

9 Plaintiff,

v.

10 KING COUNTY SUPERIOR COURT,  
11 et al.,

12 Defendants.

CASE NO. C18-5579 BHS

ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT,  
DENYING DEFENDANTS'  
MOTION TO STAY DISCOVERY  
AS MOOT, AND GRANTING  
PLAINTIFF'S MOTIONS FOR  
EXTENSION OF TIME

13 This matter comes before the Court on Defendants Beth Andrus, Laura Inveen,  
14 King County ("County"), King County Superior Court ("KCSC"), Michael Scott, and  
15 Julie Spector's ("Defendants") motion for summary judgment, Dkt. 21, and motion to  
16 stay discovery, Dkt. 22, and Plaintiff Anne Block's ("Block") motions for extension of  
17 time, Dkts. 25, 29. The Court has considered the pleadings filed in support of and in  
18 opposition to the motions and the remainder of the file and hereby rules as follows:

19 **I. PROCEDURAL HISTORY**

20 On July 2, 2018, Block filed a complaint against numerous defendants in Pierce  
21 County Superior Court for the State of Washington. Dkt. 1-1. Block asserts claims for  
22 violations of "the Americans with Disabilities Act (ADA), the First Amendment of the

1 United States Constitution, and 14th Amendment, in order to obstruct the due course of  
2 justice in pending suits involving Plaintiff, and future rights to access public records and  
3 file suits seeking relief under RCW 42.56.” *Id.* ¶ 1.1.

4 On July 18, 2018, Defendants removed the matter to this Court. Dkt. 1.

5 On October 4, 2018, Defendants moved for summary judgment and to stay  
6 discovery. Dkts. 21, 22. On October 23, 2018, Block moved for an extension of time to  
7 respond because she was out of the country and was having computer problems. Dkt. 25.  
8 On October 26, 2018, Defendants responded and opposed Block’s motion. Dkt. 26. On  
9 October 30, 2018, Block filed a response to Defendants’ motion for summary judgment  
10 and another motion for an extension of time to respond. Dkts. 28, 29.<sup>1</sup>

## 11 II. DISCUSSION

### 12 A. Summary Judgment Standard

13 Summary judgment is proper only if the pleadings, the discovery and disclosure  
14 materials on file, and any affidavits show that there is no genuine issue as to any material  
15 fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c).  
16 The moving party is entitled to judgment as a matter of law when the nonmoving party  
17 fails to make a sufficient showing on an essential element of a claim in the case on which  
18 the nonmoving party has the burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317,  
19 323 (1986). There is no genuine issue of fact for trial where the record, taken as a whole,  
20 could not lead a rational trier of fact to find for the nonmoving party. *Matsushita Elec.*

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22 <sup>1</sup> The Court grants Block’s motions for extension of time to respond because Defendants have failed to show prejudice if the Court considers Block’s response.

1 *Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986) (nonmoving party must  
2 present specific, significant probative evidence, not simply “some metaphysical doubt”).  
3 *See also* Fed. R. Civ. P. 56(e). Conversely, a genuine dispute over a material fact exists  
4 if there is sufficient evidence supporting the claimed factual dispute, requiring a judge or  
5 jury to resolve the differing versions of the truth. *Anderson v. Liberty Lobby, Inc.*, 477  
6 U.S. 242, 253 (1986); *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass’n*, 809 F.2d  
7 626, 630 (9th Cir. 1987).

8         The determination of the existence of a material fact is often a close question. The  
9 Court must consider the substantive evidentiary burden that the nonmoving party must  
10 meet at trial—e.g., a preponderance of the evidence in most civil cases. *Anderson*, 477  
11 U.S. at 254; *T.W. Elec. Serv., Inc.*, 809 F.2d at 630. The Court must resolve any factual  
12 issues of controversy in favor of the nonmoving party only when the facts specifically  
13 attested by that party contradict facts specifically attested by the moving party. The  
14 nonmoving party may not merely state that it will discredit the moving party’s evidence  
15 at trial, in the hopes that evidence can be developed at trial to support the claim. *T.W.*  
16 *Elec. Serv., Inc.*, 809 F.2d at 630 (relying on *Anderson*, 477 U.S. at 255). Conclusory,  
17 nonspecific statements in affidavits are not sufficient, and missing facts will not be  
18 presumed. *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 888–89 (1990).

## 19 **B. Merits**

20         In this case, Defendants move for summary judgment on all of Block’s claims  
21 arguing that Block is not entitled to her requested relief when another adequate remedy at  
22 law exists and that the individual judges are entitled to absolute immunity. The Court

1 agrees with both arguments. Regarding judicial immunity, judges are generally afforded  
2 absolute immunity when functioning in their official capacities. *Stump v. Sparkman*, 435  
3 U.S. 349, 364 (1978) (state circuit judge is immune from suit for all actions within his  
4 jurisdiction). An act is “judicial” when it is a function normally performed by a judge  
5 and the parties dealt with the judge in his judicial capacity. *Id.* at 362. Even injunctive  
6 relief is precluded under § 1983 “unless a declaratory decree was violated or declaratory  
7 relief was unavailable.” Federal Courts Improvement Act of 1996, Pub. L. No. 104–317,  
8 § 309(c), 110 Stat. 3847, 3853 (1996).

9 Block fails to submit any relevant evidence in support of her claims against the  
10 individual judges. As such, she fails to establish that any judge was acting outside his or  
11 her judicial capacity, violated a declaratory decree, or acted on a matter in which  
12 declaratory relief was unavailable. Therefore, the Court grants Defendants’ motion on  
13 Block’s claims against the individual judges because they are entitled to judicial  
14 immunity.

15 Regarding the County and the KCSC, it is well-established “that the extraordinary  
16 writs cannot be used as substitutes for appeals, even though hardship may result from  
17 delay.” *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 383 (1953) (citations  
18 omitted); *U.S. Alkali Export Ass’n v. United States*, 325 U.S. 196, 202–03 (1945).  
19 Defendants have established that Block may appeal the decisions of the judges of the  
20 KCSC, which precludes injunctive relief or a writ of mandamus. Block fails to cite any  
21 authority to the contrary and fails to submit any evidence establishing a question of fact  
22

1 on these issues. Therefore, the Court grants Defendants' motion on Block's claims  
2 against the County and KCSC.

3 Finally, Block requests a continuance under Rule 56(d) "so she can explore during  
4 discovery, exactly what precedent the court is being asked to make, by conducting  
5 discovery on legislative history as well as the specific facts of this case." Dkt. 28 at 5-6.  
6 This request fails to meet the burden of establishing by affidavit facts necessary to justify  
7 an opposition. Fed. R. Civ. P. 56(d). Therefore, the Court denies Block's request to  
8 defer ruling on Defendants' motion.

### 9 **III. ORDER**

10 Therefore, it is hereby **ORDERED** that Defendants' motion for summary  
11 judgment, Dkt. 21, is **GRANTED**, Defendants' motion to stay discovery, Dkt. 22, is  
12 **DENIED** as moot, and Block's motions for extensions of time, Dkts. 25, 29, are  
13 **GRANTED**.

14 The Clerk shall enter a **JUDGMENT** and close the case.

15 Dated this 14th day of January, 2019.

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18 **BENJAMIN H. SETTLE**  
United States District Judge